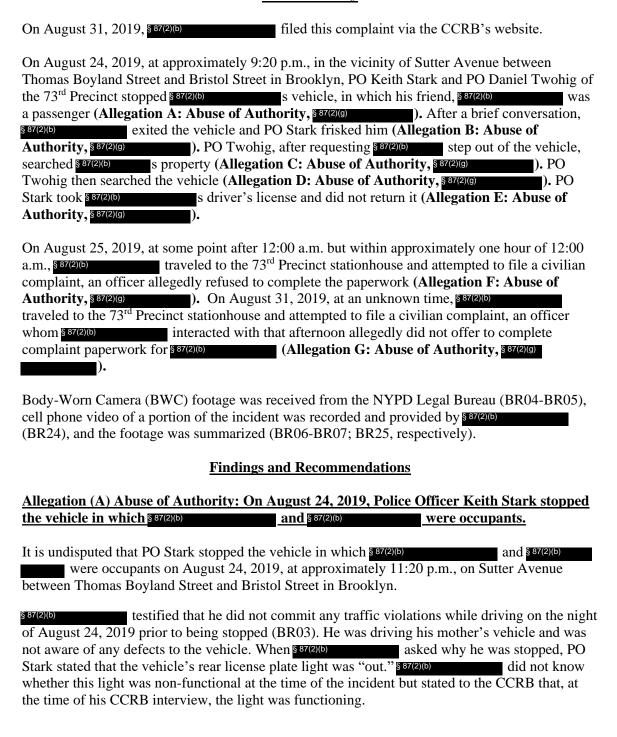
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Forc	e [Discourt.	☐ U.S.
Zachary Herman		Squad #12	201907774	☑ Abu	se [O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precin	ct:	18 Mo. SOL	EO SOL
Saturday, 08/24/2019 11:20 PM, S 08/25/2019 1:00 AM, Saturday, 0 4:32 PM		Sutter Avenue between Street and Bristol Stree Stationhouse		73		2/24/2021	10/11/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/	Time R	Received at CCI	RB
Sat, 08/31/2019 4:32 PM		CCRB	On-line website	Sat, (08/31/20	019 4:32 PM	
Complainant/Victim	Type	Home Addre	ess				
	GLILL		G 1				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Keith Stark	03636	961325	073 PCT				
2. POM Daniel Twohig	01924	962141	073 PCT				
3. An officer							
Witness Officer(s)	Shield N	o Tax No	Cmd Name				
1. POM Jerry Celus	24856	962305	073 PCT				
2. POM Troy Hill	05374	966624	073 PCT				
Officer(s)	Allegatio	on			Invest	tigator Recon	nmendation
A.POM Keith Stark		on August 24, 2019, Poli he vehicle in which were a occup	2)(b) a	nrk nd			
B.POM Keith Stark	Abuse: C frisked § 8	On August 24, 2019, Pol	lice Officer Keith St	ark			
C.POM Daniel Twohig	Abuse: C searched	on August 24, 2019, Pol § 87(2)(b) s pr	lice Officer Daniel Toperty.	wohig			
D.POM Daniel Twohig		on August 24, 2019, Pol the vehicle in which ser were occupan	(2)(b)	Swohig and			
E.POM Keith Stark	Abuse: C	on August 24, 2019, Poli (2)(b) s pr	ice Officer Keith State operty.	nrk			
F. An officer	Abuse: C § 87(2)(b)	on August 25, 2019, an o	officer did not procest regarding officers.				
G. An officer	Abuse: C § 87(2)(b)	on August 31, 2019, an o	officer did not procest regarding officers.				

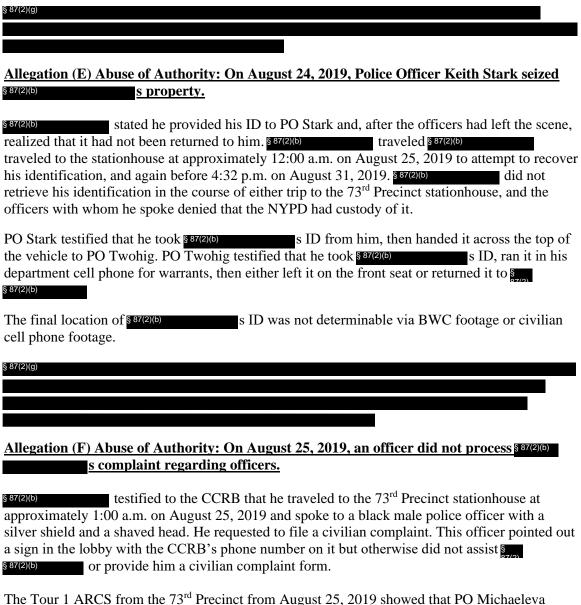
Case Summary



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BWC from PO Stark shows PO Stark stating he stopped \$87(2)(5) because his rear license plate light was out at 00:28 (BR04, BR06). The video does not capture whether \$87(2)(5) s vehicle had a functioning plate light at the time of the stop.
In his CCRB testimony, PO Stark stated he observed \$87(2)(b) s vehicle commit a traffic violation but did not recall what specific traffic violation he observed \$87(2)(b) commit (BR09). PO Twohig testified he did not recall observing any traffic violations or visible defects on \$87(2)(b) s vehicle prior to stopping the vehicle. PO Twohig did not recall why he and PO Stark stopped the vehicle (BR10).
§ 87(2)(g)
Allegation (B) Abuse of Authority: On August 24, 2019, Police Officer Keith Stark frisked § \$7(2)(b) Allegation (C) Abuse of Authority: On August 24, 2019, Police Officer Daniel Twohig
searched 887(2)(b) s property. Allegation (D) Abuse of Authority: On August 24, 2019, Police Officer Daniel Twohig searched the vehicle in which 887(2)(b) and 887(2)(b) were occupants.
It is undisputed that PO Stark frisked \$87(2)(b) and that PO Twohig searched \$87(2)(b) s vehicle and \$87(2)(b) s bag.
In his testimony to the CCRB, \$87(2)(6) denied ever smoking marijuana in his vehicle.
PO Stark and PO Twohig consistently testified that they smelled marijuana emanating from the vehicle. Neither officer could recall where the smell specifically emanated from within the vehicle, whether the odor was of burnt or unburnt marijuana, or the relative strength of the odor. PO Stark then frisked [87(2)(6)] to determine if [87(2)(6)] had any contraband or weapons on his person and to ensure officer safety. PO Twohig searched [87(2)(6)] s bag to determine if the bag contained any contraband or weapons.
Body-worn camera footage and civilian-provided cell phone footage obtained in the investigation was not corroborative of either \$87(2)(b) so or the officers' statements regarding marijuana.
refused to provide a statement to the CCRB regarding this incident.
§ 87(2)(g)

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The Tour 1 ARCS from the 73rd Precinct from August 25, 2019 showed that PO Michaeleva Ibasan was listed as the Telephone/Switchboard (T/S) operator, and PO Belinda Diaz was listed as Stationhouse Security (BR20). Both officers stated to the CCRB that they were not present in the 73rd Precinct stationhouse at the time of the incident (BR22, BR23). The Tour 1 roll call from August 25, 2019 listed PO Joseph Rivera as the T/S operator and Sgt. Michele Drago as the Desk Officer (BR19). In his interview with the CCRB, PO Rivera did not recall interacting with any civilians on the date of the incident (BR21). PO Rivera has brown hair per his pedigree sheet provided on the date of his interview. Sgt. Drago testified to the CCRB that she did not recall speaking with any civilians on the incident date or receiving any information regarding any civilian who wished to file a complaint against on officer on August 25, 2019 (BR14).

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§ 87(2)(g)								
Allegation (G) Abuse of Authority: On August 31, 2019, an officer did not process §87(2)(b)								
s complaint regarding officers.								
On August 31, 2019, immediately prior to filing this complaint with the CCRB at 4:32 p.m., \$37(2)(6) went to the 73 rd Precinct stationhouse. When he entered the lobby, \$37(2)(6) stated he wanted to make a report against a police officer. A female officer went through the double doors and returned a short time later. She stated that her sergeant had told her that he needed to call and gestured to a sign for the CCRB. She did not offer a complaint form or offer to complete a complaint form. After leaving the stationhouse, \$387(2)(6) filed this complaint with the CCRB.								
In his testimony to the CCRB, Sgt. Liguori stated that on August 31, 2019, he was the Desk Officer for the 73 rd Precinct for Tour 2. Sgt. Liguori did not recall interacting with any civilians, including those intending to file a complaint, during his tour on August 31, 2019. When Sgt. Liguori was shown a photo of 187(2)(b) taken at the CCRB, he did not recall ever having interacted with 187(2)(b) He did not recall if 187(2)(b) had come to the 73 rd Precinct stationhouse and did not recall if 187(2)(b) had requested to file a complaint. Sgt. Liguori did not recall if any officer had informed him of any civilian who had arrived at the stationhouse to file a complaint (BR13).								
§ 87(2)(g)								
Civilian and Officer CCRB Histories								
• This is the first CCRB complaint to which \$87(2)(6) has been a party								
 (BR02). PO Keith Stark has been a member of service for four years and has been the subject of five complaints and alexen allegations, none of which were substantiated. Services 								
five complaints and eleven allegations, none of which were substantiated. §87(2)(9)								
 PO Daniel Twohig has been a member of service for four years, and this is the first CCRB complaint to which he has been a subject. 								
Mediation, Civil and Criminal Histories								
• \$87(2)(b) declined to mediate this complaint.								
Page 5								

		w York City Office of the Comptroller have regards this to complaint (BR18).	as no record of a
Squad No.:	12		
Investigator:	Zachary Herman Signature	Investigator Zachary Herman Print Title & Name	10/29/2020 Date
Squad Leader:	Chris Anderson Signature	SI Chris Anderson Print Title & Name	10/29/2020 Date
Reviewer:	Signature	Print Title & Name	Date

§ 87(2)(b)